

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0926-01  
Bill No.: HB 231  
Subject: Corrections Department; Crimes and Punishment; Governor and Lieutenant Governor  
Type: Original  
Date: March 13, 2001

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue*	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on <u>All</u> State Funds*</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

\*Could exceed \$1,000,000 in any given fiscal year. SUBJECT TO APPROPRIATIONS.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 5 pages.

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of State Courts Administrator, Office of the Attorney General**, and the **Office of Administration** assume the proposed legislation would have no fiscal impact on their agencies.

Officials of the **Office of the Lieutenant Governor (MLG)** assume that their office would be responsible for housing the ombudsman and providing administrative support. This could result in the MLG needing to lease additional space and perhaps requesting additional support staff depending on the number of people hired in the ombudsman office. MLG officials assume the ombudsman personnel would be paid from another appropriated source as this proposal does not specify a funding source. There would be unknown costs to the Lt. Governor's office to implement this proposal.

Officials of the **Department of Corrections** assumed that the costs associated with the operation of the Board of Corrections Ombudsman, Office of Ombudsman, and related activities would be from funds appropriated for that purpose. It is uncertain how many complaints received by the Ombudsman would require full investigation; however, the number of allegations processed in FY98 by the DOC were as follows:

<u>Formal Inmate Grievance Process</u>	<u>Constituent Services Office - Informal Process</u>
Institutions	Legislative Contacts - 2,000
Informal Resolutions - 25,560	Governor's Office - 750
Formal Grievances - 10,894	Inmate - 2,899
Division Director's Office	Friends/Family - 3,711
1 <sup>st</sup> Appeals - 6,185	Advocacy Agencies - 195
Citizen's Advisory Committee	Other - 35
Appeals - 2,210	
Department Director's Office	
2 <sup>nd</sup> Appeals - 2,210	

This proposal would require the DOC to provide 24-hour-a-day access to offenders, employees and related records at all facilities housing offenders. Failure to provide access would be punishable as a class D felony.

The DOC was unable to estimate the actual number of additional personnel resources necessary to ensure that offenders and staff on duty could be made available to Office of Corrections Ombudsman staff without compromising the safety and security of a correctional facility. However, at a minimum, one additional evening and weekend security escort post (3.4 FTE)

ASSUMPTION (continued)

would be needed at each facility to insure access and the safety of non-institutional personnel. The estimated expenses for these additional custody staff is approximately \$89,000 per facility. The DOC currently houses inmates in eighteen institutions.

To ensure 24 hour a day access to classification records, it would be necessary to call in records personnel who can access those files on weekends and evenings at an average over-time rate of \$15.75 per hour. Additionally, this proposal enables employees of the Ombudsman to access and gather offender records relevant to the complaint received. The DOC was unable to estimate the costs of copying such records but assumes this could be a significant expense to the facilities.

Since the actual number of complaints received by the Office of Ombudsman that would require after hours access to offenders and related records is unknown the DOC estimates the fiscal impact to be a range of \$1,602,000 to UNKNOWN.

**Oversight** assumes the bill does not require 24 hour access, rather it requires the DOC to allow access without advance written notice. Oversight has not included additional costs for custody staff. Oversight assumes that some of the duties imposed by this proposal may duplicate duties currently being carried out by the DOC. Therefore, Oversight has shown possible unknown savings for workload reduction to current staff.

The State of Minnesota has an Ombudsman for Corrections office. The budget of the Minnesota Ombudsman's Office was cut substantially. Currently, Minnesota's Ombudsman's Office has a budget of approximately \$310,000 annually, which consists of an Ombudsman with a salary of approximately \$64,000, two (2) Field Investigation Staff at a salary of \$52,000/yr., and one (1) part-time clerical staff. Prior to the budget cut, the Minnesota Ombudsman had a budget of approximately \$600,000 annually, which consisted of an Ombudsman with a salary of approximately \$88,500, one (1) assistant Ombudsman, five (5) Field Investigators at a salary of \$2,719/month, and two (2) clerical staff. Minnesota's current data indicates that the average daily population was 4,603 inmates.

In the Official Manual State of Missouri 1999-2000, Missouri is reported to have 25,000 adult felons confined in DOC facilities. Reportedly, DOC also supervises 11,000 parolees and 49,000 probationers across the state. In all, DOC is responsible for the care, custody and supervision of more than 85,000 adult felons and misdemeanants. With an incarcerated population an estimated five times as large as Minnesota's, **Oversight** assumes an Office of Corrections Ombudsman in Missouri could potentially require five times the number of investigators as Minnesota. Twenty-five (25) Field Investigators @ \$32,628 = \$815,700 annually.

This proposal does not address whether the thirteen members of the Board of Corrections  
ASSUMPTION (continued)

Ombudsman which would be created by this proposal would receive any remuneration. The

language of this proposal is silent on the issue of a funding source, but indicates that the Office of Corrections Ombudsman would be subject to appropriations. **Oversight** assumes the fiscal impact of this proposal is unknown, but could exceed \$1,000,000. As no funding source is identified in this proposal, Oversight assumes the fiscal impact would be to the General Revenue Fund.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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**GENERAL REVENUE FUND**

Savings - Department of Corrections

Constituent Services Office

Office of Inspector General	Unknown	Unknown	Unknown
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<u>Costs</u> - Office of the Lieutenant Governor	(Unknown,	(Unknown,	(Unknown,
Administrative Support	under \$100,000)	under \$100,000)	under \$100,000)

Costs - Office of Corrections

Ombudsman

Staff, Operational Costs, Expenses*	(Unknown)	(Unknown)	(Unknown)
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**ESTIMATED NET EFFECT TO**

<b>GENERAL REVENUE FUND*</b>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**\*Could exceed \$1,000,000 in any given fiscal year. SUBJECT TO APPROPRIATIONS.**

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

## DESCRIPTION

This proposal would establish the office of the Corrections Ombudsman within the Office of the Lieutenant Governor and would create the Board of Corrections Ombudsman.

The Department of Corrections (DOC) would be required to provide the Ombudsman and his or her staff with access to correctional facilities, records, and any clients, employees, or prisoners without advance notice to facilities or DOC as part of an investigation.

Violations of certain provisions of this proposal would be a class D felony.

This legislation is not federally mandated and would not require additional capital improvements or rental space. This proposal may duplicate in general the duties and responsibilities assigned to the Joint Committee on Corrections as provided under 21.440; 21.445; 21.450; 21.455; 21.460; and 21.465, RSMo. It also may duplicate the duties and responsibilities of the DOC's Constituent Services Office, the Office of the Inspector General, and the Department's Citizens Advisory Committee, which includes an investigator assigned by the Department of Public Safety.

## SOURCES OF INFORMATION

Office of State Courts Administrator  
Office of Administration  
Office of the Lieutenant Governor  
Department of Corrections  
Office of Attorney General  
State of Missouri Ombudsman for Corrections



Jeanne Jarrett, CPA  
Director

March 13, 2001